

CABINET

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UPDATE TO LOCAL FLOOD RISK MANAGEMENT STRATEGY (LFRMS) - REQUEST TO GO TO PUBLIC CONSULTATION

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

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Summary

This report presents the Local Flood Risk Management Strategy, required under the Flood and Water Management Act 2010 and seeks Cabinet approval to go out to public consultation. The first Local Flood Risk Management Strategy was adopted in Autumn 2014. This update seeks to recognise areas which have increased in flood risk, policy changes at both the national and local level and takes account of new development within the borough.

1. Recommendation

1.1. The Cabinet is requested to approve commencement of public consultation on the Local Flood Management Strategy, set out at Appendix 1 to the report.

2. Suggested reasons for decision

2.1. By agreeing to the consultation it will enable the Council to fulfill its duties as a Lead Local Flood Authority to develop, maintain, apply, and monitor a strategy for local flood risk management in its area (a Local Flood Risk Management Strategy).

3. Budget and policy framework

3.1. Following the Pitt Review into the widespread flooding across the UK in 2007, the Government has enacted legislation and introduced regulations to improve the approach to flood risk management.

- 3.2. The Flood Risk Regulations 2009 (FRR 2009) and the Flood and Water Management Act 2010 (FWMA 2010) established Medway Council as a Lead Local Flood Authority (LLFA). The FRR 2009 and the FWMA 2010 set out a number of roles and responsibilities for LLFA's with respect to the management of local flood risk (i.e. from surface water, groundwater and 'ordinary watercourses').
- 3.3. The Flood and Water Management Act 2010 requires Councils to have an updated Local Flood Risk Management Strategy which provides information of areas of interest and risk within Medway Council's jurisdiction. Additionally, the Flood and Water Management Act requires further works to be undertaken in line with specific sections of the Act. Primarily following a flood event the Council is responsible for adhering to Section 19 which requires a flood incident report to be completed to determine the mechanisms and effect of flooding, and Section 21 requires an asset register to be kept of Key Assets within Medway. The Council currently meets the requirements set out by the Flood and Water Management Act.
- 3.4. The costs of implementing the roles and responsibilities are covered by the approved budget via an Area Based Grant from the Department of Food and Rural Affairs (DEFRA).
- 3.5. The roles and responsibilities contribute towards three of the five council priority areas included within the Council Plan outlined below, as well as several ambitions and principles included within the Sustainable Community Strategy.
 - Safe, clean and green Medway.
 - Everybody travelling easily around Medway.
 - Benefiting from the area's regeneration.

4. Background

- 4.1. Part 1, Article 2, Section 9 of the FWMA 2010 states that a Lead Local Flood Authority must develop, maintain, apply, and monitor a strategy for local flood risk management in its area (a Local Flood Risk Management Strategy).
- 4.2. A strategic approach reduces the likelihood and detrimental consequences of flooding in a way that does not compromise the interconnected needs of the economy, society and environment in the future. It is the document against which local flood risk management activities should be assessed and measured.
- 4.3. The Environment Agency (EA) remains the responsible authority for the management of tidal and river flood risk and has produced a National Flood and Coastal Erosion Risk Management Strategy which outline their approach to managing those risks.
- 4.4. In 2011, the Council undertook a Preliminary Flood Risk Assessment (PFRA) to fulfil the statutory requirements of the FRR 2009. The purpose of the PFRA was to provide a high-level overview of local flood risk in Medway. The PFRA

contributed towards an evidence base for the completion of the Local Flood Risk Management Strategy (LFRMS).

- 4.5. The primary aim of this strategy is to set out the approach Medway Council, as LLFA, will take to local flood risk management and record how this approach has been developed and agreed and to deliver the legislative requirements of the FWMA 2010.
- 4.6. The strategy should be viewed as a living document and the approach taken is that more specific actions would be identified as more information is gathered concerning local flood risk issues whether by reporting, or via further study.
- 4.7. The strategy culminates in a number of objectives and measures consistent with the EA's National Strategy and have been created around the following themes:
 - Understanding the risks.
 - Preventing inappropriate development.
 - Managing the likelihood of flooding.
 - Improving flood prediction, warning, and post recovery.

5. Options

- 5.1. The options available are:
 - A. approve the request for public consultation of the draft Local Flood Management Strategy, set out at Appendix 1 to the report (**this is the recommended option**);
 - B. reject the request for public consultation; or
 - C. refine the request for public consultation.

6. Advice and analysis

- 6.1. Section 10(4) of the FWMA 2010 specifies what must be included within the LFRMS:

Table 1: Requirements of a LFRMS

Requirements of a LFRMS	Complete
The Risk Management Authorities within the Local Authorities area.	Y
The Flood and Coastal Erosion Risk Management functions that may be exercised by these Authorities in relation to the area.	Y
The objectives for managing local flood risk, consistent with the EA's National Flood and Coastal Erosion Risk Management Strategy.	Y
The measures proposed to achieve those objectives.	Y
How and when the measures are expected to be implemented.	Y
The costs and benefits of those measures, and how they will be paid for.	Y
The assessment of local flood risk for the purposes of the strategy.	Y
How and when the strategy is to be reviewed and updated.	Y
How the strategy contributes to the achievement of wider environmental objectives.	Y

- 6.2. The Medway draft LFRMS satisfies each of these elements. This is reflected in the Executive Summary within the strategy attached at Appendix 1.

Key aspects of the Medway Local Flood Risk Management Strategy

- 6.3. The LFRMS complements and supports the National Strategy published by the EA, which outlines a national framework for flood and coastal risk management and aims to balance the needs for communities, the economy and the environment.
- 6.4. The strategy culminates in a number of objectives and measures consistent with the EA's National Strategy aimed at delivering the legislative requirements of the FWMA and adopting a more coordinated approach to local flood risk management. The objectives are included within the Executive Summary and are concerned with:
- Understanding the risks.
 - Preventing inappropriate development.
 - Managing the likelihood of flooding.
 - Improving flood prediction, warning, and post recovery. The measures and objectives were borne out of significant consultation with Services within the Council, and with Risk Management Authorities. Through the

strategy, stronger links, understanding, and partnership working have been established with Risk Management Authorities.

- 6.5. The delivery of the LFRMS rests primarily within the Flood Risk Management Officer; however, the support of other relevant services within the Council, including Highways, Development Management and Emergency Planning will be required.
- 6.6. Through consultation and implementation of the strategy, the role of the Council in respect of flood risk management can be clarified and local communities' appetite for self-help and local solutions can be explored where there are known flooding issues.
- 6.7. European Directive 2001/42/EC requires that a Strategic Environmental Assessment (SEA) be carried out for all plans and programmes which are subject to preparation and/or adoption. In accordance with that, an SEA screening report has been undertaken to determine if the contents of the LFRMS require a SEA.
- 6.8. The screening exercise concludes that it is unlikely that there will be any significant environmental effects arising from the objectives and measures included within the LFRMS and as such does not require a full SEA to be undertaken.

7. Risk management

7.1.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Failure to comply with legislation.	The risks exposed by a failure to comply with parts of the legislation are great and there is an expectation that LLFA's will gradually increase expertise and capacity in this field.	Report updated after five years inline with updated guidance	DIV
Comply with Section 9 (6) of the FWMA.	Consultation with Risk Management Authorities and the public needs to be undertaken to satisfy Section 9 (6) of the FWMA.	To be carried out In November	DIV

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

8. Consultation

- 8.1. It is intended that following appropriate approval, a draft strategy will be made available for public consultation and endorsement from other Risk Management Authorities and will include direct engagement with Parish Councils.
- 8.2. Following consultation, a final version of the strategy will be presented to the Cabinet for approval.

9. Climate change implications

- 9.1. There are no climate change implications of the requested public consultation.

10. Financial implications

- 10.1. There are no financial implications for the Council, other than the printing costs for a limited number of paper copies of the draft strategy and officer time, which can be accommodated from within existing revenue budgets.

11. Legal implications

- 11.1. All legal aspects have been set out within this report.

Lead officer contact

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Appendices

Appendix 1 - Draft Local Flood Risk Management Strategy (LFRMS)

Background papers

None